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merger to BAC Home Loans Servicing, LP f/k/a
Countrywide Home Loans Servicing, LP*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BANK OF AMERICA, N.A., SUCCESSOR BY
MERGER TO BAC HOME LOANS
SERVICING, LP FKA COUNTRYWIDE
HOME LOANS SERVICING, LP

Plaintiff,

vs.

SAHARA SUNRISE HOMEOWNERS
ASSOCIATION; ABSOLUTE COLLECTION
SERVICES, LLC; NEVADA NEW BUILDS,
LLC,

Defendants.

Case No.: 2:16-cv-00336-GMN-PAL

STIPULATION AND ORDER OF FINAL
JUDGMENT CONFIRMING VALIDITY
OF DEED OF TRUST

Pursuant to Fed. R. Civ. P. 41, plaintiff Bank of America, N.A. successor by merger to BAC Home Loans Servicing, LP, f/k/a Countrywide Home Loans Servicing, LP (**BANA**), and defendants Sahara Sunrise Homeowners Association (**Sahara**), Nevada New Builds, LLC (**NNB**), and Absolute Collection Services, LLC (**ACS**), (collectively, the **Parties**), through their counsel of record, hereby stipulate and agree as follows:

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1 1. This matter relates to real property located at 2637 Amber Crest Street, Las Vegas, NV
2 89142, APN 161-10-511-005 (the **Property**). The Property is more specifically described as:

3 All that certain real property situated in the County of Clark, State of Nevada, described as
4 follows:

5 Parcel I:

6 Lot 5 in Block 1 of SAHARA SUNRISE, as shown by map thereof on file in Book 91 of Plats,
7 Page 12 in Book 990830 as Document No. 01584, in the Office of the County Recorder of
8 Clark County, Nevada;

9 Parcel II:

10 A non-exclusive easement for access, ingress, egress use and enjoyment of, in to and over
11 those areas delineated as "Private Drives" and "Common Elements" on the above referenced
12 Plat, and defined as "Association Property" in the Declaration of Covenants, Conditions and
13 Restrictions for Sahara Sunrise recorded March 22, 2000 in Book 20000322 as Document No.
14 1122, Official Records.

15 2. BANA is the beneficiary of record of a Deed of Trust that encumbers the Property and
16 was recorded on May 23, 2008 as Instrument No. 20080523-0003947 in the Official Records of
17 Clark County, Nevada (the **Deed of Trust**).

18 3. On July 17, 2014, NNB recorded a Foreclosure Deed as Instrument No. 20140717-
19 0000092 of the Official Records of Clark County, Nevada (the **HOA Foreclosure Deed**), reflecting
20 that NNB purchased the Property at a foreclosure sale of the Property conducted by ACS on behalf
21 of Sahara on July 15, 2014 (the **HOA Sale**). NNB has not transferred its interest in the Property and
22 is still the title holder of record.

23 4. On February 18, 2016, BANA initiated a quiet title action against Sahara, ACS and
24 NNB in the United States District Court, District of Nevada, Case No. 2:16-cv-00336-GMN-PAL
25 (the **Quiet Title Action**).

26 5. BANA and NNB have entered a confidential settlement agreement in which they have
27 settled all claims between them in this case. This stipulation and order applies to the matters
28 addressed in this particular case only and has no relevance to any other matter.

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6. The Deed of Trust survived and was not extinguished in any capacity by the HOA Sale. The Deed of Trust remained a valid encumbrance against the Property following the recording of the HOA Foreclosure Deed, and NNB's interest in the Property is subject to the Deed of Trust.

Dated: April 21, 2017.

AKERMAN LLP

/s/ Melanie D. Morgan, Esq.

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Attorneys for Plaintiff Bank of America, N.A.

Dated: April 21, 2017.

HONG & HONG, APLC

/s/ Joseph Y. Hong, Esq.

JOSEPH Y. HONG, ESQ.

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10781 W. Twain Avenue

Las Vegas, NV 89135

Attorneys for Nevada New Builds, LLC

Dated: April 21, 2017.

BOYACK ORME & ANTHONY

/s/ Edward D. Boyack, Esq.

EDWARD D. BOYACK, ESQ.

Nevada Bar No. 5229

7432 West Sahara Ave.

Las Vegas, NV 89117

Attorneys for Defendant Sahara Sunrise HOA

Dated: April 21, 2017.

ABSOLUTE COLLECTION SERVICES, LLC

/s/ Shane D. Cox, Esq.

SHANE D. COX, ESQ.

Absolute Collection Services, LLC

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Attorneys for Defendant Absolute Collection Services, LLC

ORDER

Based on the above stipulation between and among Plaintiff Bank of America, N.A., and Defendants Nevada New Builds, LLC, Sahara Sunrise Homeowners Association, and Absolute Collection Services, LLC (collectively, the Parties), the Parties' agreement, and good cause appearing therefore,

IT IS ORDERED that the Deed of Trust recorded in the Official Records of Clark County, Nevada against the real property located at 2637 Amber Crest Street, Las Vegas, NV 89142, APN 161-10-511-005 (the **Property**) on May 23, 2008, as Instrument No. 20080523-0003947 was not extinguished, impaired, or otherwise affected by the foreclosure sale of the Property conducted by Sahara Sunrise Homeowners Association on July 15, 2014 or the recording of the Foreclosure Deed in the Official Records of Clark County, Nevada, on July 17, 2014 as Instrument No. 20140717-0000092, reflecting that NNB purchased the Property at a foreclosure sale conducted by Absolute Collection Services, LLC on behalf of Sahara Sunrise Homeowners Association on July 15, 2014. NNB's ownership of the Property is subject to the Deed of Trust.

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1 IT IS FURTHER ORDERED that Bank of America, N.A. shall be entitled to record this
2 STIPULATION AND ORDER OF FINAL JUDGMENT CONFIRMING VALIDITY OF DEED OF
3 TRUST in the Official Records of Clark County, Nevada in accordance with the rules of the
4 Recorder's Office.

5 IT IS FURTHER ORDERED that this order constitutes the final judgment of this Court,
6 resolving all claims in this case with prejudice, each party to bear its own fees and costs.

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8 Respectfully submitted by:

9 AKERMAN LLP

10 /s/ Melanie D. Morgan, Esq.

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21 *Attorneys for Plaintiff Bank of America, N.A.*

22 **ORDER**

23 IT IS SO ORDERED:

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26 UNITED STATES DISTRICT COURT JUDGE

27 DATED this 28 day of April, 2017.